

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LAMBDA OPTICAL SOLUTIONS LLC,

Plaintiff,

v.

ALCATEL-LUCENT USA INC. and
ALCATEL-LUCENT HOLDINGS INC.,

Defendants.

C.A. No. 10-487-RGA-CJB

ALCATEL-LUCENT USA INC. and
ALCATEL-LUCENT HOLDINGS INC.,

Counterclaimants,

v.

LAMBDA OPTICAL SOLUTIONS LLC,
LAMBDA OPTICAL SYSTEMS CORP., and
ANASTASIOS TZATHAS,

Counter-Defendants.

**STIPULATION AND [PROPOSED] ORDER REGARDING
SUMMARY JUDGMENT BRIEFING**

WHEREAS the original Scheduling Order entered in this case (D.I. 142) does not contain any parameters on the number of summary judgment motions the parties are able to file;

WHEREAS the parties have met and conferred as described below regarding certain page limit adjustments to reduce the burden on the Court in advance of the November 26, 2013, deadline for filing such motions;

WHEREAS Defendants and Counterclaim Plaintiffs Alcatel-Lucent USA Inc.'s and Alcatel-Lucent Holdings, Inc.'s (collectively, "Alcatel-Lucent") First Amended Answer states several Counterclaims including, but not limited to, Tortious Interference of Contractual Relations, Misappropriation of Trade Secrets, Unfair Competition, and Aiding and Abetting a Breach of Fiduciary Duty, etc. (collectively, the "Non-Patent Counterclaims");

WHEREAS Plaintiff and Counterclaim Defendant Lambda Optical Solutions LLC and Counterclaim Defendant Lambda Optical Systems Corp. (collectively, “Lambda”) propose filing one combined summary judgment brief addressing the Non-Patent Counterclaims;

WHEREAS Lambda has determined that in order to efficiently brief the facts and legal arguments to fully present its positions regarding the Non-Patent Counterclaims it has determined that it needs an additional ten (10) pages in the combined summary judgment brief addressing the Non-Patent Counterclaims;

WHEREAS Alcatel-Lucent does not oppose Lambda’s request for additional pages;

WHEREAS Counterclaim Defendant Anatasios Tzathas does not oppose Lambda’s request for additional pages;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel and subject to the approval of the Court, that the following parameters shall govern the parties’ respective summary judgment briefs addressing Alcatel-Lucent’s Non-Patent Counterclaims in this matter:

1. Lambda’s opening summary judgment brief addressing Alcatel-Lucent’s Non-Patent Counterclaims shall not exceed thirty (30) pages;
2. Alcatel-Lucent’s answering brief to Lambda’s opening summary judgment brief addressing Alcatel-Lucent’s Non-Patent Counterclaims shall not exceed thirty (30) pages, and;
3. Lambda’s reply brief to Alcatel-Lucent’s answering brief to Lambda’s opening summary judgment brief addressing Alcatel-Lucent’s Non-Patent Counterclaims shall not exceed fifteen (15) pages.

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SO ORDERED this ____ day of _____, 2013.

United States Magistrate Judge